

## **West Virginia Executive Branch Privacy Tip of the Week**

### **Do You Suspect a Privacy Breach?**

#### **Question:**

**I just read an article in the newspaper about a privacy breach and it sounded like a pretty big deal. What should I do if I think my agency has experienced a privacy breach?**

#### **Answer:**

A privacy breach occurs when personally identifiable information (PII) is collected, retained, accessed, used, or disclosed in ways that are not in accordance with the provisions of the Executive Branch Privacy Policies, applicable privacy laws, or other regulations. One example of a privacy breach is e-mailing or faxing a client's medical information to the wrong person. Another example is disposing of medical or personnel records by throwing them in a dumpster and having them discovered by a "dumpster diver."

If you know or suspect that a breach has occurred, be sure to contact the Office of Information Security and Controls (OISC) by one of the following methods:

- (1) E-mailing [incident@wv.gov](mailto:incident@wv.gov) with a subject line of "INCIDENT";
- (2) Going to the West Virginia Office of Technology (WVOT) Web Site at <http://www.technology.wv.gov>, clicking on "Report an Incident", and filling out an Incident Report Form; or
- (3) Contacting the WVOT Service Desk at [servicedesk@wv.gov](mailto:servicedesk@wv.gov) or by phone at 304-558-9966 or 877-558-9966;
- (4) Remember to notify your supervisor or manager immediately;
- (5) Do not attempt to notify individuals that may have been affected by the breach - that is the responsibility of your privacy officer. It is very important to let your privacy officer handle breach notifications. This ensures that affected individuals receive accurate and helpful information;
- (6) If notification is needed, your privacy officer, in consultation with the State Privacy Office, will decide how to provide notice and what the notice should say. For example, the notice will need to describe the incident. It will also tell the individuals what steps they need to take to protect themselves from harm;
- (7) Assist your privacy officer with the investigation and consider ways to correct the situation that allowed the breach to occur. One breach is bad, but multiple breaches from the same vulnerability can be catastrophic.